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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,842	08/08/2001	Duane J. Staskal	CS11204	2895

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EXAMINER	
NGUYEN, JOSEPH D	
ART UNIT	**PAPER NUMBER**
2683	3

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/924,842	STASKAL ET AL.	
	Examiner	Art Unit	
	Joseph D Nguyen	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al. (5,684,861).

Regarding claim 1, Lewis et al. discloses a method in a mobile wireless communications device (abstract), comprising:

a) programming a first and second communication time limits for corresponding first (peak) and second (off-peak) communication time intervals in the mobile wireless communications device (abstract, fig. 3-4, col. 2 lines 45-53);

b) determining a first communication time remaining in the first time interval by decrementing the first communication time limit for communication time used in the first time interval (col. 2 lines 45-53, and col. 7 line 60 thru col. 10 line 34);

c) determining a second communication time remaining outside the first time interval by decrementing the second communication time limit for communication time

used outside the first time interval (col. 2 lines 45-53, and col. 7 line 60 thru col. 10 line 34).

Regarding claim 2, Lewis et al. further discloses the method of claim 1, displaying on the mobile wireless communications device the first communication time remaining, displaying on the mobile wireless communications device the second communication time remaining (col. 2 lines 45-53, and col. 7 line 60 thru col. 10 line 34).

Regarding claim 3, Lewis et al. further discloses the method of claim 2, generating a user alert at the mobile wireless communications device before a first total communication time used in the first time interval exceeds the first communication time limit (col. 3 line 30 thru col. 5 line 10, and col. 12 lines 12-59).

Regarding claim 4, Lewis et al. further discloses the method of claim 1, automatically resetting the first communication time remaining to the first communication time limit periodically, automatically resetting the second communication time remaining to the second communication time limit periodically (col. 7 line 60 thru col. 8 line 27).

Regarding claim 5, Lewis et al. discloses a method in a mobile wireless communications device (abstract), comprising:

a) determining a communication time remaining by decrementing a communication time limit for communication time used by the mobile wireless communications device (abstract, (col. 2 lines 45-53, and col. 7 line 60 thru col. 10 line 34);

b) providing a user alert at the mobile wireless communications device before a total communication time used by the mobile wireless communications device exceeds the communication time limit (fig. 4, col. 12 lines 15-59).

Regarding claim 6, Lewis et al. further discloses the method of claim 5, indicating at the mobile wireless communications device the communication time remaining (abstract, col. 9 line 7 thru col. 10 line 34).

Regarding claim 7, Lewis et al. further discloses the method of claim 6, indicating the communication time remaining by displaying the communication time remaining on a display of the mobile wireless communications device (abstract, col. 9 line 7 thru col. 10 line 34).

Regarding claim 8, Lewis et al. further discloses the method of claim 5, automatically resetting the communication time remaining to the communication time limit periodically, automatically resetting the total communication time used periodically (col. 7 line 60 thru col. 8 line 27).

Regarding claim 9, Lewis et al. further discloses the method of claim 5, providing the user alert on the mobile wireless communications device by generating at least one of an audible and tactile signal (col. 9 lines 41-59).

Regarding claim 10, Lewis et al. discloses a method in a mobile wireless communications device (abstract), comprising:

a) determining a communication time remaining based on a difference between a communication time limit (peak and off-peak) mobile wireless communications device and communication time used by the mobile wireless communications device (abstract, col. 2 lines 45-53);

b) indicating at the mobile wireless communications device the communication time remaining (abstract, col. 9 line 7 thru col. 10 line 34);

c) automatically resetting the communication time remaining to the communication time limit periodically (col. 5 line 46 thru col. 8 line 27).

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 13, Lewis et al. discloses a method in a communications device, comprising:

a) indicating at the communications device a first communication time remaining based on a difference between a first communication time used and first communication time limit in a first time interval (col. 4 line 35 thru col. 6 line 26, and col. 9 line 7 thru col. 10 line 67);

b) indicating at the communications device a second communication time remaining based on a difference between a second communication time used and the

second communication time limit in a second time interval (col. 4 line 35 thru col. 6 line 26, and col. 9 line 7 thru col. 10 line 67).

Regarding claim 14, Lewis et al. further discloses the method of claim 13, programming the first and second communication time limits for the corresponding first and second time intervals in the mobile wireless communications device (abstract, col. 2 lines 45-53);

b) determining the first and second communication times remaining at the mobile wireless communications device (col. 2 lines 45-53).

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 18, Lewis et al. further discloses the method of claim 13, generating a user alert at the communications device not later than when transitioning between the first and second time intervals (col. 5 line 46 thru col. 6 line 65, and col. 9 line 7-59).

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label "PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen

Feb. 23, 2004

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600